

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MICHAEL BERNARD OLIVER,
Plaintiff,

vs.

6:03-CV-0361

JO ANNE B. BARNHART, Commissioner
of Social Security,

Defendant.

Thomas J. McAvoy,
Senior United States District Judge

DECISION & ORDER

This matter was referred to the Hon. David E. Peebles, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3. The Report-Recommendation dated November 29, 2005 recommends that Defendant's Motion for Judgment on the Pleadings be granted, the Commissioner's determination denying Plaintiff's application for benefits be affirmed, and Plaintiff's Complaint be dismissed. Plaintiff filed an objection to the Report-Recommendation insofar as it dismissed his Complaint. Plaintiff claims Defendant violated his Constitutional right against taxation without representation in denying his application for benefits.

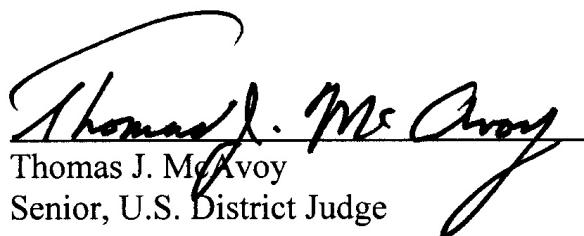
After examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation and Order for the reasons

stated therein. It is therefore

ORDERED that Defendant's Motion for Judgment on the Pleadings is **GRANTED**, the Commissioner's determination denying Plaintiff's application for benefits is **AFFIRMED**, and Plaintiff's Complaint is **DISMISSED**.

IT IS SO ORDERED.

Dated:February 14,2006



Thomas J. McAvoy
Senior, U.S. District Judge